

SLA 2011 International Chapters Session

Global Copyright Challenges

Mike Linksvayer

VP, Creative Commons

2011-06-14 / Philadelphia



strained, "gum" to suit taste and a few dashes of vichy or seltzer. Shake well and pour into two glasses partly filled with finely shaved ice, crowning with fruit and a sprig of bruised mint leaf. Use straw or glass sipper for this delicacy.

MIXING THE PHILADELPHIA PUNCH

Here's an individual Philadelphia Punch from which you may estimate for larger portions, if you like it. Into a large tumbler pour a pony of brandy, two ounces of rum, two dashes of lemon juice, two tablespoons of gum. Stir thoroughly and add one ounce of Arrack. Now fill glass with fine ice, decorate with fruit in season and drink through straw or glass sipper. It's cooling.

MIXING A CENTURY CLUB PUNCH

I still remember my enjoyment of this punch when a guest of some member of the old Century Club in New York and I am happy to pass on its ingredients:

One quart of Jamaica rum, one quart of old Santa Cruz

What Shall We Drink? by Magnus Bredenknek (1934)

From the collection of the San Francisco Public Library.

I waive any copyright claim I may have in this image and dedicate my copyright interest in the image to the public domain. I also believe that the book depicted in the image is in the public domain, though I do not warrant that it is. The book was published between 1923 and 1963, so the author was required to renew the copyright 28 years after publication to prevent it from entering into the public domain. My search of the copyright renewals database (<http://collections.stanford.edu/copyrightrenewals/>) indicates that the copyright in this book was not renewed.

– MetaGrrrl, [flickr.com/photos/dinah/2893796625](https://www.flickr.com/photos/dinah/2893796625)

copyright

daily challenge for librarians,
libraries, budgets

global additional challenges: more
complexity, often fewer resources

it's getting worse...

For obvious reasons there has been a lot of attention paid to the Georgia State copyright infringement case recently.

In that litigation three academic publishers are asking a judge to fiercely **restrict academic fair**

use in favor of a pay-per-use system that, in my opinion, disregards the expressed intent of Congress in the 1976 Copyright Act and is foreign to the purposes of that law.

The trial was completed yesterday, and a decision from the judge can be expected over the summer. But in our justifiable anxiety about that case, we should not miss the fact that this is only one part of an overall strategy

to **undermine the educational**

exceptions to copyright; yesterday the publishing community opened a second front in their attack on education by issuing a statement of principles designed to **hobble inter-library loan**.

...

First, they would **forbid ILL across national borders without specific permission** (paid, of course) from the publisher. Second, they would make digital delivery entirely the province of the publishers (for a fee, undoubtedly). **Libraries would not be able to e-mail a journal article to a patron**, even though nothing in the current law forbids such a practice. Third, it would impose a vague standard of “due diligence” – language not found in the law – on all document delivery for “private, non-commercial use.” Presumably this is the thin end of a wedge to **attack all private research use** for which permission fees are not paid.

...

It is important to understand that such a standard would give the United States the most restrictive copyright law in the world, and it would do so without the intervention of Congress.

...

Open access alternatives seem more and more to be not just a nice alternative, but the only path scholarly communications has left to survival.

– Kevin Smith, Scholarly Communications Officer, Duke University,
blogs.library.duke.edu/scholcomm/2011/06/09/a-second-front/

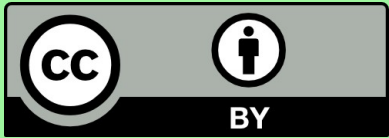
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legal and technical tools enabling
effective “some rights reserved” and
“no rights reserved”

culture, education, public sector,
science...



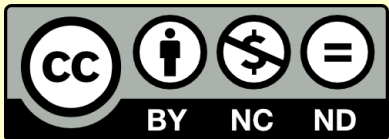
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by **Mike Masnick**
Mon, Nov 8th 2010
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Belgian Court Rules That Violating Creative Commons License Subjects You To Copyright Infringement Charge

from the *legitimate-license* dept

There hasn't been too much case law around the legitimacy of Creative Commons licenses, and some have questioned whether or not they're really legitimate. I'll admit that I do have some questions about certain aspects of CC licenses, but over in Belgium a court has **pretty clearly claimed that Creative Commons licenses are perfectly legitimate**. The case involved a band that had released its music under a CC attribution-non-commercial-no derivatives license. However, a theater apparently used the music (in a modified form) as part of an ad for its upcoming season, and the ad played on national radio.

The band sued, noting that the theater violated the CC license and, thus, had violated copyright law. The court agreed, noting the near total failure of the theater to respect the specific license terms, and found the theater's defenses unconvincing:

The theater defended itself by arguing a mistake (the court said that as a professional of the cultural sector, they should pay more attention to licensing conditions) and its good faith (traditionally not accepted in Belgian as a defense to copyright infringement).

This is certainly at least a nice boost to the legality of Creative Commons licenses, though it does sort of highlight how many users of CC-licensed content don't really understand (or pay attention to) the specific restrictions in the licenses of content they use.

[12 Comments](#) | [Leave a Comment..](#)

Curry wint zaak Creative Commons

Creative Commons, 10 mrt, 2006

De Amsterdamse rechter heeft gisteren in kort geding uitspraak gedaan in de zaak die Adam Curry had aangespannen tegen Weekend.

Curry had een verbod van publicatie geeist van foto's die hij zelf eerder onder Creative Commons licentie (NonCommercial-ShareAlike) publiceerde op www.flickr.com. Curry beriep zich op schending van artikel 4 sub c en sub a van de licentie. Hierin wordt bepaald dat het gebruik van de foto's geen commercieel voordeel mag opleveren en er altijd een verwijzing moet worden geplaatst naar de licentie. De rechter stelt Curry op beide punten in het gelijk en verbiedt Weekend het ongeoorloofd gebruik van de foto's te staken onder straffe van een dwangsom.

Weekend verweerde zich door te stellen dat zij door de mededeling 'This photo is public' op het verkeerde been was gezet en daarom geen kennis had genomen van de inhoud van de licentie. Dit vond de rechter geen steekhoudende reden, en oordeelde:

"Dat Audax door de mededeling 'This photo is public' op het verkeerde been is gezet (en daardoor geen kennis heeft genomen van de inhoud van de Licentie), is niet onbegrijpelijk, maar er mag van haar als professionele partij worden verwacht dat zij een goed en nauwkeurig onderzoek verricht alvorens zij foto's die afkomstig zijn van het internet afdruckt in het blad Weekend. Indien zij een dergelijk onderzoek had verricht, was zij door middel van het aanklikken van het symbool bij de mededeling 'some rights reserved' gestuit op (de verkorte versie van) de Licentie. Bij twijfel over de toepasselijkheid en de inhoud van de Licentie had zij de rechthebbende op de foto's (in dit geval [eiser1]) toestemming voor publicatie moeten vragen. Audax heeft nagelaten een dergelijk



Recente berichten

- [De Publieke Omroep, het internet en Creative Commons](#)
- [Muziek Pete Philly met CC-licentie](#)
- [Creative Commons lanceert Public Domain Mark](#)
- [Onderzoek auteursrecht, digitale distributie en creatie](#)
- [Winnaars \(Un\)limited Design Contest 2010](#)
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Archief

- [november 2010](#)
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400MM+
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AS OF 2010

40%
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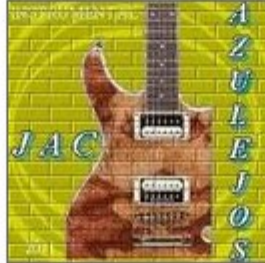
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■ From the BioMed Central blog

Systematic Reviews journal to increase transparency and innovation in healthcare publishing (13 May 2011)

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Sizing up Alzheimer's disease (12 May 2011)

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Gulliver Turtle, welcome to Twitter

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■ Featured articles [Open Access](#)



Stem cell therapy clinical trials

BMC Medicine 2011, **9**:52

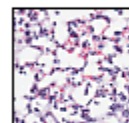
Trounson and colleagues review recent developments and future prospects of clinical trials for stem cell therapies, highlighting usage of mesenchymal and neural stem cells, and reporting on the start of trials involving lines derived from pluripotent cells.



Coffee consumption modifies breast cancer risk

Breast Cancer Research 2011, **13**:R49

A Swedish study finds that a high daily intake of coffee is associated with a statistically significant decrease in estrogen receptor-negative breast cancer among postmenopausal women.



Stem cells for acute lung injury

Stem Cell Research & Therapy 2011, **2**:27

Therapy with human multipotent stromal cells isolated from bone marrow was able to significantly reduce acute lung injury in mice within 48 hours, paving the way for clinical trials.



Socio-economic outcomes of polytraumatized patients

Patient Safety in Surgery 2011, **5**:9

Long-term effects of severe orthopaedic trauma such as financial loss and social deprivation emphasize the need for early socio-economic support and measures of injury prevention targeted for specific age groups.

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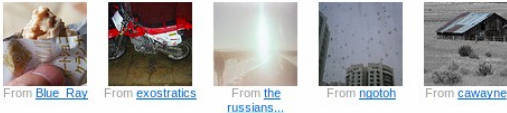
Here are some recently added bits and pieces:

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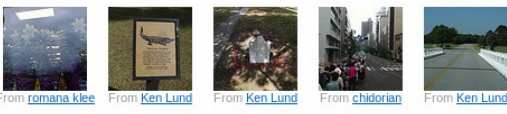
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Zie ook

[Website Creative Commons](#)

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News

New federal education fund makes available \$2 billion to create OER resources in community colleges

Timothy Vollmer, January 20th, 2011

The Department of Labor and the Department of Education today [announced](#) a new education fund that will grant \$2 billion to create OER materials for career training programs in community colleges. According to Secretary of Labor Hilda L. Solis and Secretary of Education Arne Duncan, the Trade Adjustment Assistance Community College and Career Training Grant Program (TAACCCT) will invest \$2 billion over the next four years into grants that will “provide community colleges and other eligible institutions of higher education with funds to expand and improve their ability to deliver education and career training programs.” The [full program announcement](#) (PDF) states that all the resources created using these funds must be released under the Creative Commons Attribution (CC BY) license:

BLENDER FOUNDATION PRESENTS: THE DURIAN OPEN MOVIE PROJECT



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Cologne-based libraries release 5.4 million bibliographic records via CC0

The British Library releases 3 million bibliographic records into the public domain using CC0

University of Michigan Library adds 700k bibliographic records to the public domain via CC0

CERN Library releases its book catalog into the public domain via CC0...

Open Access metadata

One means to better deal with increasing global copyright challenges (the more you know about a work, the easier it is to determine what you can do with it)

Open Access education

(the more you teach others about
copyright and OA...)

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An Interview with Paul Courant, Dean of Libraries at U-M



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Recent Posts

June 1, 2011
 KNUST in Ghana adopts institutional OER policy



May 17, 2011
 New Website is Front Door to Science, Health, and Medicine Publishing Services

May 13, 2011
 We're three this year!

Open Access activism

(more OA, less challenge: practice,
policy, advocacy)

DRM (a day against)

Mike Linksvayer, May 4th, 2011

Today is a good day to learn about Digital Rights Management, or more accurately Digital *Restrictions* Management:

- Selection of blog posts from [Day Against DRM 2011](#)
- Posts on the Creative Commons blog [about DRM](#), going back to 2004.
- [DRM article](#) on English Wikipedia



Although DRM seems to no longer be the red hot issue it was a decade ago, it is still very much present, causing problems regarding fair use, lack of competition, privacy and security breaches, [forced obsolescence](#), and more. DRM is often now involved in distribution of movies and books, to the great consternation of some [librarians](#). [Not listening to librarians puts our freedom and safety at risk.](#)

Thank you!

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(session tomorrow 10am)